

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

16-CR-6087L

v.

J. GUADALUPE HERNANDEZ,
FELISITA HERNANDEZ,
also known as Felisita Gutierrez,

Defendants.

Defendants, J. Guadalupe Hernandez and Felisita Hernandez, are charged in an eight-count indictment with various offenses relating to harboring illegal aliens, in violation of several federal statutes. On August 30, 2016, I referred all pretrial motions in this case to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636.

On February 2, 2017, Magistrate Judge Payson issued a Report and Recommendation (“R & R”) recommending that defendant’s motions to dismiss Count One of the indictment be denied. Pursuant to 28 U.S.C. § 636(b)(1), objections to the R & R were due fourteen days after its service upon the defendants.

Counsel for J. Guadalupe Hernandez has sent a letter to the Court (Dkt. #42) stating that his client “will not be filing any objections” to the R & R. Defendant Felisita Hernandez has not filed any response or objection to the R & R.


Having reviewed the R & R, I agree with Magistrate Judge Payson’s findings and conclusions. I therefore adopt those findings, conclusions and recommendations *in toto*.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Marian W. Payson (Dkt. #40) filed February 2, 2017.

Defendants' motions to dismiss Count One of the indictment (Dkt. #32, #33) are in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 10, 2017.